

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO et
al.,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

ORDER CONCERNING APPLICATION FILED BY MAIRA I. FELICIANO ROSADO

The Court has received and reviewed the *Application to Proceed in District Court Without Prepaying Fees or Costs* (Docket Entry No. 20359 in Case No. 17-3283, the “Motion”), filed by Maira I. Feliciano Rosado, which the Court deems to be a motion for permission to proceed in forma pauperis with respect to Ms. Feliciano Rosado’s appeal of the Court’s ruling reclassifying proof of claim no. 10547 (the “Proof of Claim”) as a general unsecured claim. (See Docket Entry No. 20358 in Case No. 17-3283, the “Notice of Appeal”).

Ms. Feliciano Rosado’s Proof of Claim form asserts that her claim is entitled to administrative priority pursuant to 11 U.S.C. § 503(b)(9) and is secured in whole or in part by a lien on property. At the February 16, 2022, hearing concerning the Debtors’ objections to certain proofs of claim, the Court made the following ruling concerning the proof of claim filed by Ms. Feliciano Rosado:

I have reviewed the written submissions, and listened very carefully to everything that has been said today. I am terribly sorry to hear

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (“Commonwealth”) (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

what Ms. Feliciano-Rosado has been going through, and her concerns about her son, and the custody matters, and the treatment of the child-custody payments. Those are not matters that are properly before the Court today. What is before the Court today is the question of whether the claim that Ms. Feliciano-Rosado has filed in these Title III proceedings is entitled to priority payment classification, either because it concerns a sale of goods to the Commonwealth within a certain period of time, or because it is backed by security, money, or property set aside to pay that claim specially. Neither of those necessary facts is established with respect to this claim. Therefore, the Court sustains the 362nd Omnibus Objection as to claim no. 10547 filed by Maira I. Feliciano-Rosado. That claim is reclassified as a general unsecured claim, and it will be considered and evaluated for payment and validity along with other general unsecured claims.

(Feb. 16, 2022, Hr'g Tr. 20:3-21, Docket Entry No. 20164 in Case No. 17-3283.) The Court has reviewed the Motion and the Notice of Appeal, and nothing therein identifies any non-frivolous argument on appeal of the Court's February 16, 2022, ruling. Accordingly, the Court certifies that Ms. Feliciano Rosado's appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3) ("An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith."); DuLaurence v. Telegen, No. 15-1537, 2016 WL 10454553, at *1 (1st Cir. Nov. 30, 2016) ("Good faith for purposes of § 1915(a)(3) is judged by an objective standard; i.e., whether the litigant 'seeks appellate review of any issue not frivolous.'") (quoting Coppedge v. United States, 369 U.S. 438, 445 (1962)). The Motion is therefore denied.

This Order resolves Docket Entry No. 20359 in Case No. 17-3283.

SO ORDERED.

Dated: March 24, 2022

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge